

REMARKS

This Application has been carefully reviewed in light of the Official Action issued January 18, 2007. Claims 9-12 are pending in this Application. In order to advance prosecution of this Application, Claim 9 has been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 9, 11, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boyd, et al. in view of Halsey. Independent Claim 9 recites ". . . means for determining that scanning is performed through the entire gantry free of obstruction . . ." By contrast, neither the Boyd, et al. nor Halsey patents provide any capability to determine that scanning is free of obstruction as provided in the claimed invention. Support for the above recitation can be found at page 11, lines 6-10, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 9, 11, and 12 are patentably distinct from the proposed Boyd, et al. - Halsey combination.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Boyd, et al. in view of Halsey and further in view of Heyser, et al. Independent Claim 9, from which Claim 10 depends, has been shown above to be patentably distinct from the proposed Boyd, et al. - Halsey combination. Moreover, the Heyser, et al. patent does not include any additional disclosure combinable with either the Boyd, et al. or Halsey patents that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 10 is patentably distinct from the proposed Boyd, et al. - Halsey - Heyser, et al. combination.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance and interference review. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees and/or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant



Charles S. Fish

Reg. No. 35,870

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Correspondence Address:

2001 Ross Avenue, Suite 600

Dallas, Texas 75201-2980

Phone: (214) 953-6507

Customer Number: 05073